

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHRISTOPHER M. JENKINS,

Plaintiff,

V.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. C19-6091 BHS

ORDER GRANTING
APPLICATION TO PROCEED IN
FORMA PAUPERIS

Plaintiff Christopher M. Jenkins applies to proceed *in forma pauperis* for an action seeking judicial review of the administration denying Plaintiff's application for Social Security benefits. IFP Appl. (Dkt. # 1). For the reasons discussed below, the Court DENIES Plaintiff's application to proceed *in forma pauperis* (Dkt. # 1).

The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). “To qualify for *in forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the claims he or she seeks to pursue are not frivolous.”

Ogunsalu v. Nair, 117 F. App'x 522, 523 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To meet the first prong of this test, a litigant must show that he “cannot because of his poverty pay or give security for the costs and still be able to provide himself and

1 dependents with the necessities of life.” *Adkins v. E.I. DuPont de Nemours & Co.*, 335
2 U.S. 331, 339 (1948) (internal alterations omitted).

3 Plaintiff has not shown that he is unable to pay the full filing fee to proceed with
4 this lawsuit. Plaintiff reports that his spouse has a net monthly salary of \$4,200.00 per
5 month. IFP Appl. at 1. Plaintiff lists monthly expenses of \$3,109.00. *Id.* at 2. This
6 leaves nearly \$900.00 per month. Although Plaintiff notes that he has outstanding debts,
7 the monthly payments on these debts are included in his listed expenses. *See id.* Plaintiff
8 has failed to demonstrate that he “cannot because of his poverty pay or give security for
9 the costs and still be able to provide himself . . . with the necessities of life.” *See Adkins*,
10 335 U.S. at 339 (internal alterations omitted).

12 Accordingly, the Court DENIES Plaintiff’s application to proceed *in forma*
13 *pauperis* (Dkt. # 1) WITHOUT PREJUDICE. Plaintiff has 30 days from the date of this
14 order to pay the full \$400.00 filing fee or reapply to proceed *in forma pauperis* based
15 upon changed circumstances. If the Court does not receive the filing fee or a new
16 application within 30 days, the Court will dismiss this action WITHOUT PREJUDICE.

17 DATED this 19th day of November, 2019.

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BENJAMIN H. SETTLE
United States District Judge